

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD JAMES COX, JR.,

Defendant.

4:18CR3149

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States's Motion for Preliminary Order of Forfeiture. (Filing No. 39). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On April 25, 2019, the Court held a Change of Plea hearing and defendant agreed to enter pleas of guilty to Counts I and II of the Indictment and agreed to admit to the Forfeiture Allegation. The Forfeiture Allegation charged defendant with using the \$19,931.74 in United States currency to facilitate the commission of the conspiracy and/or was derived from proceeds obtained directly or indirectly as a result of the commission of the offense.

2. The parties agree the amount of money to be forfeited is \$19,931.74.

3. By virtue of said plea of guilty, defendant forfeits his interest in the aforementioned currency, and the United States is entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

4. The United States's Motion for Preliminary Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. United States's Motion for Preliminary Order of Forfeiture is hereby granted.

B. Based upon the Forfeiture Allegation of the Indictment and defendant's plea of guilty, the United States is hereby authorized to seize the \$19,931.74 in United States currency.

C. Defendant's interest in the aforementioned currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned currency is to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States's intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than defendant, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency to this Order as a substitute for published notice as to those persons so notified.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the

Petitioner's right, title or interest in the subject currency and any additional facts supporting the Petitioner's claim and the relief sought.

G. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n)(7), in which all interests will be addressed.

ORDERED this 26th day of April, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge